IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 25124 of 2005(N)

PETITIONERS:
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1. **K.G.GEETHA BAI,**
   SECTION OFFICER (RTD.),GCDA,
   RAJ NIVAS,C6,GCDA STAFF HOUSING COLONY,
   KAKKANAD P.O.,KOCHI-30.

2. **M.K.ABDUL KHADER,**
   SECTION OFFICER (RTD.),GCDA,
   MARAKKATHIKUZHI HOUSE,ERUMATHALA P.O.,
   KUZHIMAD,ALUVA.

BY ADV. SRI.N.SUGATHAN
SRI.A.V.RAMAKRISHNA PANICKER
SMT.R.SEEMA
SMT.VARSHA BHASKAR

RESPONDENTS:
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1. **THE STATE OF KERALA REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT,LOCAL SELF GOVERNMENT
   DEPARTMENT,SECRETARIAT,THIRUVANANTHAPURAM.

2. **THE GREATER COCHIN DEVELOPMENT**
   AUTHORITY,REPRESENTED BY THE SECRETARY,
   PANAMPILLY NAGAR,KOCHI-30.

3. **THE DEPUTY DIRECTOR,**
   LOCAL FUND AUDIT,GCDA,
   PANAMPILLY NAGER,KOCHI-30.

BY ADV. SRI.P.R.RAMACHANDRA MENON, SC,GCDA for R2 & R3
BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.25124/2005 N

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF G.O.(MS) NO.87/90/LAD DTD. 20/06/1990.**

EXT.P2: **COPY OF THE ORDER DTD. 6/10/95 OF THE 2ND RESPONDENT.**

EXT.P3: **COPY OF THE ORDER DTD. 8/12/1995 OF THE 2ND RESPONDENT.**

EXT.P4: **COPY OF G.O.(RT) NO.1209/99/LAD DTD. 30/03/1999.**

EXT.P5: **COPY OF PROCEEDINGS DTD. 8/06/2005 OF THE 2ND RESPONDENT.**

EXT.P6: **COPY OF THE ORDER DTD. 18/11/2004 OF THE 2ND RESPONDENT.**

EXT.P7: **COPY OF THE ORDER DTD. 22/02/2005 OF THE 2ND RESPONDENT.**

EXT.P8: **COPY OF THE COUNTER AFFIDAVIT FILED ON BEHALF OF THE 1ST RESPONDENT IN O.P.NO.1270/95.**

EXT.P9: **COPY OF THE LETTER NO.15094/G2/89/LAD DTD. 2/05/1995.**

EXT.P10: **COPY OF JUDGMENT DTD. 31/08/2005 IN O.P.NO.16511/2001.**

EXT.P11: **COPY OF JUDGMENT DTD. 30/08/2006 IN WP(C) NO.24530/2005.**

/TRUE COPY/

KSS

K.K.DENESAN, J

W.P.(C)NO. 25124 of 2005

Dated this the 20th day of March, 2007

JUDGMENT

Heard Sri.N.Sugathan learned counsel for the petitioners and Sri.P.R.Ramachandra Menon learned counsel for respondents 2 and 3 and the Government Pleader for the first respondent. The prayer by the petitioners is for a direction to respondents 2 and 3 to implement Ext.P5 order and disburse them all consequential benefits.

2. The petitioners are the former employees of the second respondent authority. While working as Section Officers, the first petitioner had retired from service on 31.5.2004 and the second petitioner on 31.5.2005. Consequent on Ext.P1 order issued by the Government on 20.6.1990, extending the benefit of pay revision orders with effect from 1.7.1988, the second respondent issued Ext.P2 order dated 6.10.1995 directing that 20% of the posts of Section Officers in the establishment of GCDA, i.e. two

posts each, had been placed on higher grade in the scale of pay of Rs.1250-2500 with effect from 1.1.1987 and 10.11.1993 respectively. Subsequently Ext.P5 proceedings were issued on 8.6.2005 promoting the petitioners herein also along with others and granting them the benefit of higher grade from 25.11.1998 to 31.5.2004 in the case of the first petitioner and from 20.4.2002 to 31.5.2005 in the case of the second petitioner. But Ext.P5 order was not implemented for the reason that objections raised by the third respondent in similar matters were pending disposal.

3. Some of the aggrieved officers filed writ petitions before this Court seeking for directions to the respondents to see that the benefits granted as per Ext.P2 are made available to them. As far as the petitioners are concerned, they have been sanctioned the benefit of higher grade as per Ext.P5 order. This Court disposed of the writ petitions filed by one Balachandran and one Jayasree directing that the higher grade benefit consequent on Exts.P1 and P2 shall be made available to the Section Officers of the respondent authority and that they were entitled to enjoy those benefits on par with those belonging to similar categories in

the Administrative Secretariat of the Government. Technical contentions raised on behalf of the respondents were overruled and the impugned orders were set aside. Subsequently, some more persons also approached this Court and as per Ext.P11 judgment, this Court directed the respondent authority to grant the benefits consequent on Exts.P1 and P2 to them as well.

4. As far as the petitioners are concerned, it has been accepted in principle that they are eligible for higher grade for the period referred to in Ext.P5 proceedings. The only question is whether the objection raised by the third respondent is sustainable. In fact, the third respondent raised objections in the case of some others and it was those persons who had obtained favourable orders from this Court. That being the position, the respondents cannot be heard to say that the petitioners shall not be given similar benefits. It follows that the petitioners are entitled for an order directing the respondents to implement Ext.P5 and make available to them the benefit of higher grade with arrears of salary. They are also entitled to re-computation of the terminal benefits based on relevant rules and orders.

5. In the result, this writ petition is disposed of directing the respondents to implement Ext.P5 as far as the petitioners are concerned. The higher grade benefits shall be granted to them for the period referred to in Ext.P5. The monitory benefits thus due to the petitioners shall be worked out, average emoluments recalculated and terminal benefits also revised, accordingly. The amount due to the petitioners based on the implementation of Ext.P5 as directed above shall also be paid to them. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of the judgment.

K.K.DENESAN, JUDGE

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